

### **REMARKS/ARGUMENTS**

Through this amendment, claims 33, 36(1), and 36(2)-56 (renumbered as 37-57) have been amended. Claims 58-63 have been added. Claims 33-63 are pending. Support for the amendments may be found throughout the claims and specification as originally filed. Applicants note that the outstanding rejection appears to be based on Applicants' preliminary amendments of May 6, 2005. In that amendment, there were two instances of claim 36. Therefore, Applicants have renumbered the claims in conjunction with the present response as indicated in the current listing of claims. Applicants also acknowledge that a second preliminary amendment was filed on April 13, 2006. That preliminary amendment appears to have not been considered by the Office. Therefore, the amendments to the claims in the present response have been made with reference to the preliminary amendment of May 6, 2005.

### **Claim Objections**

Applicants acknowledge the Office's comments regarding a series of singular dependent claim and further acknowledge that in general, Applicants' sequence will not be changed. The Office objects to claims 54 and 55 (renumbered as claims 55 and 56) as being of improper independent form. In response, Applicants have amended the claims to correct their dependency. Accordingly, Applicants respectfully request that this objection be withdrawn.

### **Claim Rejection -35 U.S.C. § 112, 2<sup>nd</sup> paragraph**

Claims 33-56 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office alleges that the phrase "the set of blocks B/set of blocks A" lacks proper antecedent basis. Applicants believe that one of ordinary skill in the art would understand this phrase in the context of the claim. However, while not acquiescing to

this rejection and solely to advance prosecution, Applicants have amended claim 33 to recite “wherein a weight ratio of block B/blocks A....”

The Office also rejected claim 37 (renumbered as claim 38) because the phrase “the amount of optional monomer(s) optionally not exceeding” allegedly lacked antecedent basis and was unclear. Although Applicants believe that it is clear from the claim that the phrase “optional monomer(s)” refers to the hydrophilic nonionic monomer and the ionic monomer indicated as being optional and the phrase “optionally not exceeding” refers to the mol percentage that these monomers should optionally not be greater than, Applicants have removed this language from the claim. New dependent claim 58 depends from claim 38 and recites the specific identity of the optional monomers and indicates that their amount should not exceed 10 mol % of all monomers.

Claims 38 (renumbered as claim 39), 41 (renumbered as claim 42), 43 (renumbered as claim 44), 48 (renumbered as claim 49), 52 (renumbered as claim 53) have all been rejected as reciting both a broad recitation followed by a narrow limitation. Accordingly, the narrow limitations have been removed from the claims and have been added as new dependent claims 59-63.

Regarding claim 39 (renumbered as claim 40), the Office alleges that the phrase “potentially cationic at the pH of the formulation or of use of the formulation” is unclear. In response, Applicants have amended the claim to recite “that is capable of becoming cationic at the pH of the formulation or at the pH of use.” This amendment was made to clarify that the polymer derived from at least one hydrophilic monomer can be cationic either at the pH of the formulation or at the pH where the formulation is used.

Regarding claim 40 (renumbered as claim 41), the Office alleges that the phrase “potentially anionic” is unclear. In response, Applicants have amended claim 41 to recite a “unit that is capable of becoming anionic.” This amendment was made to clarify that block A may further comprise at least one unit that is anionic at the pH of the formulation or at the pH where the formulation is used.

Regarding claim 42 (renumbered as claim 43), the Office alleges that the phrase “of use of the formulation” is unclear. In response, Applicants have amended the phrase to recite “at the pH of use of the formulation” to clarify the claim.

Claim 45 (renumbered as claim 46) was rejected for being unclear with respect to the phrase “and also a mixture of at least one cationic surfactant optionally softening and of at least one nonionic surfactant.” In response, Applicants have amended this phrase to recite “or a mixture of at least one cationic surfactant optionally having softening properties and at least one nonionic surfactant.” Applicants submit that the claim is now clear.

Regarding claim 46 (renumbered as claim 47), the Office alleges that the phrase “the optional nonionic surfactant” lacks proper antecedent basis. In response, Applicants have deleted the word “optional” from the claim.

Regarding claim 48 (renumbered as claim 49), the Office alleges that the ratio as claimed lacks proper antecedent basis. In response, Applicants have amended the claim to replace “the” with “a” and to add the term “ratio”. Applicants submit that proper antecedent basis exists for the claim in its current form.

Regarding claim 51 (renumbered as claim 52), the term “rinsing” has been removed from the preamble to alleviate any inconsistencies. This has also been done for claims 52 (renumbered as claim 53), 54 (renumbered as claim 55), 55 (renumbered as claim 56), 56 (renumbered as claim 57).

Regarding claims 54 (renumbered as claim 55) and 55 (renumbered as claim 56), the dependencies of these claims have been corrected.

In light of the above comments, Applicants submit that all of the rejections under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph have been addressed. Therefore, it is respectfully requested that these rejections be withdrawn.

#### **Substitute Specification**

The Office has required a substitute specification pursuant to 37 C.F.R. § 1.125(a) because underlining in the specification is usually reserved to show

additions to the specification. Accordingly, a substitute specification (clean copy) is attached as Appendix A removing the underlining in the specification. A marked-up copy of the substitute specification is attached as Appendix B. Applicants hereby state that the substitute specification contains no new matter.

### **Information Disclosure Statement**

The Office states that the listing of patents, publications, or other information cited in the specification and not cited in a separate paper have not been considered except if cited on form PTO-892. Accordingly, Applicants have submitted an information disclosure statement in conjunction with this response along with the required fee to be considered by the Office. It is respectfully requested that the Examiner initial and return the accompanying form with the next office action.

### **REQUEST FOR ALLOWANCE**

For all the reasons set forth above, an indication of allowance of all claims is solicited. In the event any outstanding issues remain in the Application, the Examiner is more than welcome to telephone the undersigned counsel to resolve any such issues in the interest of expediency and to further place the application in condition for allowance.

**CONCLUSION**

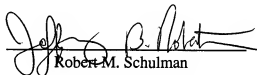
It is believed that no fees are required for entry of this Amendment; however, should any fees be necessary, the Commissioner is hereby authorized to charge such fees to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

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